



**THE ATTORNEY GENERAL
OF TEXAS**

AUSTIN, TEXAS 78711

**JOHN L. HILL
ATTORNEY GENERAL**

February 6, 1975

Mr. Norris Tanton, Superintendent
Commerce Independent School District
P. O. Box 1251
Commerce, Texas 75428

Open Records Decision No. 69

Re: Whether teacher ratings
of students for National
Honor Society member-
ship are subject to dis-
closure.

Dear Mr. Tanton:

Pursuant to section 7 of the Open Records Act, article 6252-17a, V. T. C. S., you have requested our decision as to whether teacher rating sheets prepared in connection with the membership process of the local chapter of the National Honor Society are subject to disclosure under the Act. The rating in question was prepared subsequent to the effective date of the Act, and therefore the contract doctrine discussed in Open Records Decision Nos. 55A and 64 (1975) does not apply.

The questions posed by your request are whether this information is within the scope of the Act, and if so, whether it is a student record subject to disclosure to the parent of the student whom it concerns.

The Open Records Act applies to:

All information collected, assembled, or maintained
by governmental bodies pursuant to law or ordinance
or in connection with the transaction of official busi-
ness
Sec. 3(a).

Organizations such as the National Honor Society are excepted from the prohibition against public school fraternities, sororities, and secret societies contained in section 4.20 of the Education Code. Subsection (d) of section 4.20 provides in part that the restrictions on prohibited organizations "shall not be construed to apply to agencies for public welfare, viz: . . . scholarship societies, and other kindred educational organizations sponsored by the state or national educational authorities." Thus, organizations such as the National Honor Society are statutorily recognized and are by inference authorized activities of secondary schools.

The Commerce High School Chapter of the National Honor Society is chartered by the National Honor Society in Secondary Schools which is sponsored by the National Association of Secondary School Principals. Nomination to membership must be made by a faculty member, and determinations of admission to membership are made on the basis of faculty ratings and evaluations. Election to membership is under the exclusive control of the chapter council which consists of the principal, the faculty sponsor, and members of the faculty from each class eligible for membership.

Based upon the information you have provided concerning membership standards and procedures, it appears that membership in the local chapter of the National Honor Society is a school authorized, sponsored, and directed activity directly related to school purposes and is under the immediate and exclusive control and supervision of the school administration and faculty, and is based on the student's individual relationship to the educational institution.

We believe, therefore, that the information requested is "information collected, assembled, or maintained" by the school "in connection with the transaction of official business" within the meaning of section 3(a) of the Open Records Act.

The question then becomes whether the information is a "student record" within the meaning of section 3(a)(14), which makes such records accessible to the parents of students. We believe it is.

In Attorney General Opinion H-447 (1974) we said that:

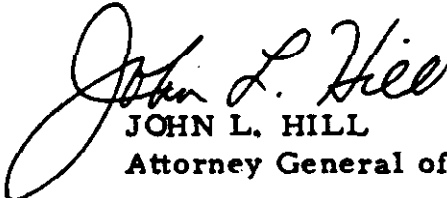
a 'student record' would generally include information concerning the student himself and his individual relationship to the educational institution. A list of student records would include, . . . teacher or counselor ratings and observations, and reports of behavioral patterns or disciplinary actions.

We believe that teacher ratings made in connection with faculty-determined membership in the local chapter of the National Honor Society

Mr. Norris Tanton, page 3

are student records within the meaning of section 3(a)(14) of the Open Records Act and must be disclosed to the parent requesting access to such information.

Very truly yours,


JOHN L. HILL
Attorney General of Texas

APPROVED:


DAVID M. KENDALL, First Assistant


C. ROBERT HEATH, Chairman
Opinion Committee